REPLY/AMENDMENT FEE TRANSMITTAL

Attorney Docket No.	856.1043
Application Number	09/535,979
Filing Date	March 27, 2000
First Named Inventor	Tomasz DUCZMAL, et al.
Group Art Unit	2179

AMOUNT ENCLOSED	$500.00	Examiner Name	Nguyen, Nhon D.

FEE CALCULATION (fees effective 12/08/04)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	11	- 20 =	0	X $ 50.00 =	$ 0.00
INDEPENDENT CLAIMS	2	- 3 =	0	X $ 200.00 =	$ 0.00

Since an Official Action set an <u>original</u> due date of <u>December 19, 2005</u>, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month ($120)); (2 months ($450)); (3 months ($1,020)); (4 months ($1,590)); (5 months ($2,160):	
If an Appeal Brief is enclosed, add ($500.00)	$ 500.00
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee ($130.00)	
Information Disclosure Statement (Rule 1.17(p)) ($180.00)	
Total of above Calculations =	$ 0.00
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)	
TOTAL FEES DUE =	$ 500.00

(1) If entry (1) is less than entry (2), entry (3) is "0".

(2) If entry (2) is less than 20, change entry (2) to "20".

(4) If entry (4) is less than entry (5), entry (6) is "0".

(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

☒ Check enclosed as payment.

☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.

☐ No payment is enclosed.

GENERAL AUTHORIZATION

☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No.	19-3935
Deposit Account Name	STAAS & HALSEY LLP

☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	John C. Garvey	Reg. No.	28,607
Signature		Date	12-19-05

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Docket No.: 856.1043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of:

Tomasz DUCZMAL, et al.

Serial No. 09/535,979   Group Art Unit: 2179

Confirmation No. 4057

Filed: March 27, 2000   Examiner: Nguyen, Nhon D.

For: METHOD AND SYSTEM FOR DYNAMIC DISPLAY OF MARKETING CAMPAIGNS ON
        DISPLAY LOCATION VIA A NETWORK

APPEAL BRIEF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action in the above-identified application, and pursuant to the Notice of Appeal filed October 17, 2005, Applicants submit this Appeal Brief having a due date of December 19, 2005 (December 17, 2005 being on a Saturday) together with the requisite fee set forth in § 37 C.F.R. §41.20.

I.   REAL PARTY IN INTEREST (37 CFR § 41.37(c)(1)(i))

The real party in interest is ADFLOW Networks Inc., the assignee of the subject application.

II.   RELATED APPEALS AND INTERFERENCES (37 CFR § 41.37(c)(1)(ii))

Appellant, Appellants' legal representatives, and assignee are not aware of any prior or pending appeals or interferences which directly affect or are directly affected by, or have a bearing, on the Board's decision in the pending appeal.

III.   STATUS OF CLAIMS (37 CFR § 41.37(c)(1)(iii))

Claims 1, 6-9 and 11-16 are currently pending and claims 2-5 and 10 remain cancelled. Claims 1, 6-9 and 11-16 stand finally rejected and are appealed.

Claims 1, 6-9 and 11-16 are each independently patentable over the references, and as set forth below, and do not stand or fall together.

IV.   STATUS OF AMENDMENTS (37 CFR § 41.37(c)(1)(iv)

No amendment(s) was filed subsequent to the Final Office Action mailed April 18, 2005.

V.   SUMMARY OF THE CLAIMED SUBJECT MATTER (37 CFR § 41.37(c)(1)(v)

Distribution of information of products and services plays a significant role in the ability of providers to successfully expose their products and services in the market and attract potential customers to their specific products and services. In the past, advertisers spent six or more months for advertising campaigns, and used traditional billboards and posters occupied with the same information for an extended period of time. Such lead times are becoming less and less feasible because effectiveness of marketing tools depends heavily on timing, graphical form and attractiveness of the information or message being presented.

Typically, billboard and poster displays are static where one site is limited to the same material of a single advertiser for a long period of time, and the content displayed on the billboards and posters is difficult to change because it requires physical removal and replacement of the posters. Marketing campaign designers are also forced to deal with various billboard operators with different business practices and requirements. This slows down delivery of campaign content and limits the flexibility in delivery method.

The accuracy and speed of distributing the information of the products and services becomes especially important when dealing with products or services that have a short life cycle. Further, marketing has become a complicated international business process requiring many interactions between many global participants and the logistics of outputting information on the billboards, for example, in response to market fluctuations, is complicated and involves several parties.

As discussed in the previous paragraphs, the typical billboard and poster display has a high cost associated therewith and requires an extended period of time from conception to actual display of the poster (i.e. a new printed poster to be installed over the old one).

As set forth below, the present invention provides a solution to the above-discussed and other problems by enabling billboards to request or pull advertising material from a server. It also allows the billboards to automatically retrieve advertisements when needed.

The claimed invention in independent claim 1 is directed to a system for dynamic display of advertising material where the system includes, "a plurality of input sources for receiving scheduling information and advertising material in the form of at least one image object for scheduling display of said advertising material during an allocated time slot" (see, element 16 referring to client 1 through client N and page 4, line 27 through page 5, line 7). The invention of claim 1 includes, "a database for storing said at least one image object" and "a server for managing said advertising material in accordance with said scheduling information" (see, FIG. 2 including corresponding text and page 5, lines 26-33).

In addition, the system of claim 1 includes, "at least one billboard located in a public space accessible by the public for displaying to the public said at least one image object during said allocated time slot and, prior to expiry of said allocated time slot, triggering a communication session with said server to upload and display a further image object during a respective further time slot" (see, page 2, lines 26-28, page 3, lines 3-6, page 5, lines 4-7 and 20-25, and FIGS. 1 and 2).

The claimed invention of independent claim 11 is directed to a method for dynamic display of advertising material whereby a billboard displays advertising material to the public by "initiating from said billboard a communication session with said server for uploading further advertising material from said database to said billboard upon expiry of said timeslot for further display at said billboard during a respective further time slot" (see, page 5, lines 16-20 and page 7, lines 22-24, and FIGS. 1 and 2). As recited in claim 11, the method includes, "accessing a server, via said network, to retrieve available time slots associated with at least one billboard", "selecting a time slot from said available time slots for displaying advertising material" and "storing said advertising material in a database" (see, page 6, lines 27 through page 7, line 10 and lines 25-29 and FIG. 3).

Claim 11 also recites, "uploading said advertising material from said database to said billboard prior to occurrence of said selected time slot" and "displaying said advertising material to the public at said billboard located in a public space accessible by the public when said timeslot occurs" (see, page 5, lines 20-25 and page 7, lines 11-16).

The method and system of the present invention includes, a plurality of display locations 12 (location 1 through location N) connected with a central server 14 that in turn is connected with a plurality of input sources 16 via the Internet 17 (see, FIG. 1). The display location 12 comprises a computerized billboard 18, a display device 20, a communicator 22, an objects storage 24 and a processor 26 (see, claims 1, 7 and 12, FIG. 1 and page 4, line 30 through page 5, line 7).

As shown in FIG. 2 of the present application, the processor 26 provided to each of the display locations 12 (location 1 through location N) also includes an operating system software 28 that executes a display software 30, a local controller software 32, a communication software 34, an object manager software 36 and an FTP/VPN transfer software 38 (see also, page 5, lines 8-11). The local controller software 32 checks validity of the advertising material (in the form of at least one image object) and sends the material to the display software 30 (see, page 5, lines 14-16). The validity checks and displays progress through subsequent time slots up to the end of a display cycle and re-starts and relates to, for example, expiration date and time (see, page 5, lines 16-17). For example, when expiration time of an image object allocated to the current time slot is shorter than a predefined time window, the local controlled software 32 sends a signal to the object manager 36, which triggers communication module 34 to establish a communication channel with the server 14 (see, page 5, lines 16-25).

4

Accordingly, when the object manager 36 of the display location 12 has initiated the communication channel with the server 14, the FTP client software 38 executes FTP software to assist in the downloading of information including the image object for the following time slot from the server 14 (see, page 5, lines 20-25). As recited in independent claims 1 and 11, the present invention includes, "[a] billboard triggering a communication session with said server" and "initiating from said billboard a communication session" (see, page 5, lines 20-25).

The present invention also includes, "searching for a billboard before selecting a time slot from available time slots", and "retrieving billboard location data after searching for a billboard location" (see, claims 12 and 13, page 6, lines 26-29, and FIG. 6). That is, the FTP client software 38 provided to the display location 12 pulls the advertising material from the server 14 by "triggering a communication with the server" (claim 1) and "initiating from said billboard a communication session with said server" (claim 11) (see also, page 5, lines 20-21).

The server 14 "uploads image objects" (claim 1) and "further advertising material" (claim 11) and checks the objects for "technical integrity before storing" (claim 14) in the database 52 along with scheduling and display location information (see, claims 1, 11, 14 and page 6, lines 1-10). For example, an advertiser accesses the server 14 and either searches a specific display location 12 or submits pre-requisite criteria for a display location 12, which causes the billboard 18 of the display location 12 to trigger or initiate a communication with the server and retrieve advertising information for a selected time slot from the server 14 (see, claims 1 and 11 and FIG. 3).

As recited in claim 6, the claimed system includes, "a distribution engine uploading scheduling information and advertising material from said plurality of input sources, managing and providing said advertising material to said at least one display location" and "a slot allocator for monitoring said scheduling of said display" (see, page 6, lines 1-7 and elements 40 and 42 in FIG. 2). Further, as recited in claim 9, the claimed server includes, "a location identifier for providing description, statistical and technical information concerning said at least one display location to at least one of said plurality of input sources" (see, page 6, lines 7-10 and element 48 in FIG. 2).

The present invention also includes, "a transaction system for enabling payment, cancellations and status checking" and "a monitoring system for providing a view of said advertising material, allocated to a display location, to at least one of said plurality of input sources", as respectively recited in claims 7 and 8 (see, page 6, lines 1-10 and FIG. 5).

The server 14 of the present invention also comprises a transaction system 44 and

5

performs "financial transactions" including calculating transaction fees and aggregating air time information prior to uploading the advertising material (see, claims 15 and 16, FIG. 5 and page 7, line 30 through page 8, line 10).

Accordingly, the system and method of the present invention uses the pull technique by having the billboards request advertising data from the server to securely disseminate the advertising material.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 CFR §41.37(c)(1)(vi))

Claims 1, 6-9 and 11-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,605 (Hunter) in view of U.S. Patent No. 6,513,052 (Binder). (Claims 2-5 and 10 stand cancelled).

VII.   ARGUMENT (37 CFR § 41.37(c)(1)(vii))

In the Final Office Action, the Examiner rejected claims 1, 6-9 and 11-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,605 (Hunter) in view of U.S. Patent No. 6,513,052 (Binder).

Hunter is directed to a network of multiple electronic displays directly accessible by commercial advertisers who electronically send their own advertisements to the network to be displayed at locations and times selected by the advertisers (see, column 2, lines 25-30). Then, the server uses a "push" method to place the advertisements on the electronic billboards when advertisers send data to the billboards (i.e., without the billboards initiating or triggering the transmittal of the advertising materials).

The Examiner indicates that "the server triggering a communication session with the billboard to upload and display a further image object during a respective further time slot" is described in Hunter at col. 3, lines 43 through col. 4, line 12. Pertinent portions of Hunter specifically state:

> "A customer of system 20, for example an in-house or agency representative of a consumer products company, may access a central information processing station of the system via the Internet through a customer Interface Web Server 40... Next, the customer transmits the advertising content on-line through the Internet, a direct phone line or a high speed connection (for example, ISDN, or other suitable high speed information transfer line) for receipt by the system's Video & Still Image Review and Input module 70..."

(col. 3, lines 43-63)

> "The video & still image review and input module 70 permits a system security employee to conduct a content review to assure that all content meets the security and appropriateness standards established by the system, prior to the content being read to the server 100 associated with each display 30 where the content being transmitted to the server 100 will be displayed. **The means for transmitting content information to the display locations** may take a number of forms, with it being understood that any form, or combination thereof, may be utilized at various locations within the network" (Emphasis Added).

(col. 4, lines 4-16)

As can be seen from the above discussion, the server 100 of <u>Hunter</u> pushes or transmits the content information from the server 100 to the display locations 30. <u>Hunter</u> is designed to allow advertisers and advertising agents representing the advertisers to "directly access" electronic displays, and "directly send" their own advertisements electronically to the electronic billboards to be displayed "at locations and times selected by the advertisers" (see, <u>Hunter</u> column 2, lines 25-30). Consistent with the advertisers' request, the servers in <u>Hunter</u> transmit the advertisement information to the display locations.

Similar to <u>Hunter</u>, <u>Binder</u> is also directed to a push method where advertising information is pushed to a personal computer of a user. In <u>Binder</u>, the storage server analyzes the profile of the users' computer, and selects and initiates the downloading of or pushes the advertising material to the computer of the users for targeted advertising (see Abstract, lines 13-16, col. 1, lines 56-59, col. 2, lines 6-22 and col. 4, lines 40-44). The essence of <u>Binder</u> is targeted advertising where advertising information is selected based on profile of a user and presented or pushed to the user to increase probability of generating revenue from the advertising (see, col. 1, lines 47-53). For example, as shown in FIG. 3, a storage server (210) uses asset profile of a user computer to select what the server (210) determines to be suitable advertising based on the asset profile for targeting the user computer (see also, col. 6, lines 12-30).

Claim 1

The claimed system of claim 1 includes, "a plurality of input sources for receiving scheduling information and advertising material in the form of at least one image object for scheduling display of said advertising material during an allocated time slot."

As also recited in claim 1, the system includes, "a server for managing said advertising material in accordance with said scheduling information" and "at least one billboard... displaying to the public said at least one image object during said allocated time slot, and prior to expiry of

said allocated time slot, triggering a communication session with said server to upload and display a further image object during a respective further time slot."

In contrast to the push method of <u>Hunter</u> and <u>Binder</u>, the claimed invention of claim 1 includes, "triggering a communication session with said server to upload and display a further image object during a respective further time slot", to thereby enable the billboards to pull advertising information from the server and securely disseminate the advertising material.

<u>Hunter</u> and <u>Binder</u>, alone or in combination, do not teach or suggest the above-mentioned features of claim 1, and thus, it is submitted that the rejection of claim 1 should be reversed.

Claim 6

As recited in claim 6, the server of claim 1 includes, "a distribution engine uploading said scheduling information and said advertising material from said plurality of input sources, managing said advertising material and providing said advertising material to said at least one display location" and "a slot allocator for monitoring said scheduling of said display." <u>Hunter</u> and <u>Binder</u>, alone or in combination, do not teach or suggest these features of claim 6, and thus, it is submitted that the rejection of claim 6 should be reversed.

Claim 7

Claim 7 calls for the system for dynamic display of advertising material in claim 6 where the server comprises, "a transaction system for enabling payment, cancellations and status checking."

<u>Hunter</u> and <u>Binder</u>, alone or in combination, do not teach or suggest a server comprising "a transaction system for enabling payment, cancellations and status checking", as recited in claim 7. Thus, it is submitted that the rejection of claim 7 should be reversed.

Claim 8

Claim 8 calls for "a monitoring system for providing a view of said advertising material, allocated to a display location, to at least one of said plurality of input sources" provided to the server of claim 1. <u>Hunter</u> and <u>Binder</u>, alone or in combination, do not teach or suggest these features of claim 8, and thus, it is submitted that the rejection of claim 6 should be reversed.

Claim 9

Claim 9 calls "a location identifier" provided to the server "for providing description, statistical and technical information concerning said at least one display location to at least one

of said plurality of input sources."

Hunter and Binder, alone or in combination, do not teach or suggest the features of claim 9 discussed in the previous paragraph, and thus, it is submitted that the rejection of claim 9 should be reversed.

Claim 11

Claim 11 is directed to a method for dynamic display of advertising including, "accessing a server, via said network, to retrieve available time slots associated with at least one billboard" and "selecting a time slot from said available time slots for displaying advertising material."

The advertising material is uploaded to the billboard "prior to occurrence of said selected time slot", where "a communication session with said server" is initiated from "from said billboard... for uploading further advertising material from said database to said billboard upon expiry of said timeslot for further display at said billboard during a respective further time slot."

That is, unlike the push technique utilized in Hunter and Binder, the claimed invention of claim 11 utilizes the pulling technique by "initiating from said billboard a communication session with said server for uploading further advertising material from said database to said billboard."

Therefore, Hunter and Binder, alone or in combination, do not teach or suggest these features of claim 11, and thus, it is submitted that the rejection of claim 11 should be reversed

Claim 12

Claim 12 calls for the dynamic display method in claim 11 including, "searching for a billboard before selecting a time slot from said available time slots." Hunter and Binder, alone or in combination, do not teach or suggest, "searching for a billboard before selecting a time slot", as recited in claim 12.

Claim 13

Claim 13 calls the dynamic display method of claim 12 where "billboard location data [is retrieved] after searching for a billboard location." Hunter and Binder, alone or in combination, do not teach or suggest, "retrieving billboard location data after searching for a billboard location", as recited in claim 13.

Claim 14

Claim 14 recites, "checking said advertising material for technical integrity before storing said advertising material in the database." Hunter and Binder, alone or in combination, do not teach or suggest these features of claim 14, and thus, it is submitted that the rejection of claim

14 should be reversed.

Claim 15

The claimed invention of claim 15 calls for dynamic display of advertising including "performing financial transactions before said step of uploading said advertising material." Hunter and Binder do not teach or suggest that financial transactions are performed "before" initiating a communication session with the server for uploading advertising material as recited in claim 15.

Claim 16

Claim 16 calls for the dynamic display method in claim 15 where the operation of performing financial transactions includes "calculating transaction fees and aggregating air time information." Hunter and Binder, alone or in combination, do not teach or suggest these features of claim 16, and thus, it is submitted that the rejection of claim 16 should be reversed.
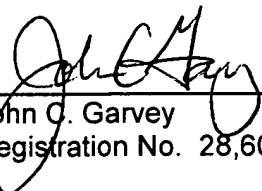
VIII. CONCLUSION

It is submitted that claims 1, 6-9 and 11-16 patentably distinguish over the cited references. Accordingly, reversal of the Examiner's rejection is respectfully requested.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12-19-05

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IX.   CLAIMS APPENDIX (37 CFR § 41.37(c)(1)(viii))

1. (PREVIOUSLY PRESENTED) A system for dynamic display of advertising material, comprising:

a plurality of input sources for receiving scheduling information and advertising material in the form of at least one image object for scheduling display of said advertising material during an allocated time slot;

a database for storing said at least one image object;

a server for managing said advertising material in accordance with said scheduling information; and

at least one billboard located in a public space accessible by the public for displaying to the public said at least one image object during said allocated time slot and, prior to expiry of said allocated time slot, triggering a communication session with said server to upload and display a further image object during a respective further time slot.

2-5. (CANCELLED)

6. (ORIGINAL) The system of Claim 1 wherein said server comprises:

a distribution engine for uploading said scheduling information and said advertising material from said plurality of input sources, for managing said advertising material and for providing said advertising material to said at least one display location; and

a slot allocator for monitoring said scheduling of said display.

7. (ORIGINAL) The system of Claim 6 wherein said server further comprises:

a transaction system for enabling payment, cancellations and status checking.

8. (ORIGINAL) The system of Claim 1 wherein said server further comprises a monitoring system for providing a view of said advertising material, allocated to a display location, to at least one of said plurality of input sources.

9. (ORIGINAL) The system of Claim 7 wherein said server further comprises:

a location identifier for providing description, statistical and technical information concerning said at least one display location to at least one of said plurality of input sources.

10. (CANCELLED)

11. (PREVIOUSLY PRESENTED) A method for dynamic display of advertising, comprising :

accessing a server, via said network, to retrieve available time slots associated with at least one billboard;

selecting a time slot from said available time slots for displaying advertising material;

storing said advertising material in a database;

uploading said advertising material from said database to said billboard prior to occurrence of said selected time slot;

displaying said advertising material to the public at said billboard located in a public space accessible by the public when said timeslot occurs; and

initiating from said billboard a communication session with said server for uploading further advertising material from said database to said billboard upon expiry of said timeslot for further display at said billboard during a respective further time slot.

12. (PREVIOUSLY PRESENTED) The method of Claim 11, further comprising:
searching for a billboard before selecting a time slot from said available time slots.

13. (PREVIOUSLY PRESENTED) The method of Claim 12, further comprising:
retrieving billboard location data after searching for a billboard location.

14. (PREVIOUSLY PRESENTED) The method of Claim 11, further comprising:
checking said advertising material for technical integrity before storing said advertising material in the database.

15. (PREVIOUSLY PRESENTED) The method of Claim 11, further comprising:
the step of performing financial transactions before said step of uploading said advertising material.

16. (PREVIOUSLY PRESENTED) The method of Claim 15, wherein of the operation of performing financial transactions includes calculating transaction fees and aggregating air time information.

X.   **EVIDENCE APPENDIX (37 CFR § 41.37(c)(1)(ix))**

Not applicable.

XI. **RELATED PROCEEDINGS APPENDIX (37 CFR § 41.37(c)(1)(x))**
Not applicable.